

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: DANNY KEITH SIMMONS, SR.**

**NO. 11-12285-DWH**

**MERCHANTS AND FARMERS BANK**

**MOVANT**

**VS.**

**DANNY KEITH SIMMONS, SR., DEBTOR  
AND HENRY J. APPLEWHITE, TRUSTEE**

**RESPONDENTS**

**ORDER ABANDONING COLLATERAL AND LIFTING STAY (DKT #10)**

This matter having come on before this Court on the motion of Merchants and Farmers Bank ("Bank") to abandon collateral pursuant to 11 U.S.C. § 554 and to lift and terminate the automatic stay of 11 U.S.C. § 362 and the Court having considered the motion at a duly noticed hearing on July 8, 2011 and having found that there was no response to the motion and it is therefore well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Bank's collateral, a 2004 Nissan Titan and a 2002 Ford F-150 and certain real property and improvements located at 707 CR 295, Shannon, Mississippi and 677 CR 295, Shannon, Mississippi; 699 CR 295, Shannon, Mississippi and 703 CR 295, Shannon, Mississippi; 706 CR 295, Shannon, Mississippi and 5.33 acres of land at Pleasant Woods Sub., Shannon, Mississippi, the legal descriptions of which are attached hereto as collective Exhibit "A", is hereby abandoned pursuant to 11 U.S.C. § 554 and the automatic stay of 11 U.S.C. § 362 is hereby immediately terminated as to Bank's collateral to allow liquidation of the

collateral. This Order shall become immediately effective and enforceable upon its entry and shall not be stayed by Bankruptcy Rule 4001 (a)(3).

SO ORDERED AND ADJUDGED, this the 28<sup>th</sup> day of July, 2011.

  
United States Bankruptcy Judge

Submitted by:

/s/ Jeff Rawlings  
Attorney for Merchants  
and Farmers Bank

Beginning at the Northeast corner of the SE-1/4 of the NE-1/4 of Section 21, Township 11 South, Range 5 East; run thence South along the East boundary of said NE-1/4 440 yards to the Southeast corner of said NE-1/4; thence run West 140 yards, more or less, to the center line of a public road running generally North and South; thence run North along the center line of said public road 460 yards, more or less, to the North boundary of said SE-1/4 of said NE-1/4; thence run East 147 yards, more or less, to the point of beginning.

Said land is situated and located in the SE-1/4 of the NE-1/4 of Section 21, Township 11 South, Range 5 East, Lee County, Mississippi.



THIS INSTRUMENT PREPARED BY:  
Merchants & Farmers Bank  
P.O. Box 520  
KOSCIUSKO, MS 39090  
(662)289-5121

AFTER RECORDING RETURN TO:  
Merchants & Farmers Bank  
P.O. Box 520  
KOSCIUSKO, MS 39090

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### COMMERCIAL REAL ESTATE DEED OF TRUST

This COMMERCIAL REAL ESTATE DEED OF TRUST ("Security Instrument") is made on September 9, 2010 by the grantor(s) PLEASANT GROVE RENTALS, LLC, a Mississippi Limited Liability Company, whose address is 1044 CR 506, SHANNON, Mississippi 38868 ("Grantor"). The trustee is L. SCOTT PICKLE whose address is P.O. BOX 520, Kosciusko, Mississippi 39090 ("Trustee"). The beneficiary is Merchants & Farmers Bank whose address is 901 SOUTH GLOSTER STREET, TUPELO, Mississippi 38801 ("Lender"), which is organized and existing under the laws of the State of Mississippi. Grantor in consideration of loans extended by Lender up to a maximum principal amount of Eighty-seven Thousand Four Hundred Three and 00/100 Dollars (\$87,403.00) ("Maximum Principal Indebtedness"), and for other valuable consideration, the receipt of which is acknowledged, irrevocably grants, conveys, warrants, bargains, sells, transfers, pledges and assigns to Trustee, in trust, with power of sale, the following described property located in the CHANCERY CLERK of LEE COUNTY, State of Mississippi:

Address: 706 CR 295, SHANNON, Mississippi 38868

Legal Description: SEE ATTACHED EXHIBIT "A"

INDEXING INSTRUCTIONS: SAID LAND IS SITUATED AND LOCATED IN THE SE-1/4 OF THE NE-1/4 OF SECTION 21, TOWNSHIP 11 SOUTH, RANGE 5 EAST, LEE COUNTY, MS.

Together with all easements, appurtenances abutting streets and alleys, improvements, buildings, fixtures, tenements, hereditaments, equipment, rents, income, profits and royalties, personal goods of whatever description and all other rights and privileges including all minerals, oil, gas, water (whether groundwater, subterranean or otherwise), water rights (whether riparian, appropriate or otherwise, and whether or not appurtenant to the above-described real property), wells, well permits, ditches, ditch rights, reservoirs, reservoir rights, reservoir sites, storage rights, dams and water stock that may now, or at any time in the future, be located on and/or used in connection with the above-described real property, payment awards, amounts received from eminent domain, amounts received from any and all insurance payments, and timber which may now or later be located, situated, or affixed on and used in connection therewith (hereinafter called the "Property").

**RELATED DOCUMENTS.** The words "Related Documents" mean all promissory notes, security agreements, prior mortgages, prior deeds of trust, business loan agreements, construction loan agreements, resolutions, guaranties, environmental agreements, subordination agreements, assignments of leases and rents and any other documents or agreements executed in connection with this Security Instrument whether now or hereafter existing.



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### COMMERCIAL REAL ESTATE DEED OF TRUST

This COMMERCIAL REAL ESTATE DEED OF TRUST ("Security Instrument") is made on January 25, 2011 by the grantor(s) PLEASANT GROVE RENTALS, LLC, a Mississippi Limited Liability Company, whose address is 1044 CR 506, SHANNON, Mississippi 38868, and DANNY SIMMONS, whose address is 1044 CR 506, SHANNON, Mississippi 38868 ("Grantor"). The trustee is L. SCOTT PICKLE whose address is P.O. BOX 520, Kosciusko, Mississippi 39090 ("Trustee"). The beneficiary is Merchants & Farmers Bank whose address is 901 SOUTH GLOSTER STREET, TUPELO, Mississippi 38801 ("Lender"), which is organized and existing under the laws of the State of Mississippi. Grantor in consideration of loans extended by Lender up to a maximum principal amount of Unlimited, ("Maximum Principal Indebtedness"), and for other valuable consideration, the receipt of which is acknowledged, irrevocably grants, conveys, warrants, bargains, sells, transfers, pledges and assigns to Trustee, in trust, with power of sale, the following described property located in the CHANCERY CLERK of LEE COUNTY, State of Mississippi:

Address: 707 CR 295, SHANNON, Mississippi 38868

Legal Description: Commencing at the Southwest corner of the Northeast Quarter of Section 21, Township 11, South, Range 5 East, Lee County, Mississippi and thence East 950.80 feet to an existing spike in County Road No. 506; thence East 1311.41 feet to an existing spike in said road; thence West 310.00 feet to a nail in said road;

thence North 02 degrees 28 minutes 50 seconds West 434.64 feet to an existing 3/8 inch Iron rod; thence North 76 degrees 50 minutes 01 seconds East 310.00 feet to an existing nail in the center of County Road 295 for a point of beginning; thence South 76 degrees 50 minutes 00 seconds West 115.00 feet; thence North

08 degrees 59 minutes 13 seconds West 95.00 feet; thence North 76 degrees 50 minutes 00 seconds East 152.38 feet to a nail in said Road No. 295; thence South 01 degrees 13 minutes 06 seconds West 97.82 feet to the Point of beginning. All lying in the Northeast Quarter of Section 21, Township 11 South, Range 5 East, Lee County, Mississippi and containing 0.31 acre more or less.

INDEXING INSTRUCTIONS: SW CORNER OF THE NE 1/4 OF SECTION 21, TOWNSHIP 11 SOUTH, RANGE 5 EAST, LEE COUNTY, MS

Together with all easements, appurtenances abutting streets and alleys, improvements, buildings, fixtures, tenements, hereditaments, equipment, rents, income, profits and royalties, personal goods of whatever description and all other rights and privileges including all minerals, oil, gas, water (whether groundwater, subterranean or

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Commercial Real Estate Security Instrument - DL007

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Commencing at a found iron marking the Southwest corner of the Southeast Quarter of Section 25, Township 11 South, Range 6 East, Town of Newton, Lee County, Mississippi, and run thence East 2,144.25 feet; run thence North 1,422.35 feet to a found 3/8 inch iron rod marking the Northwest corner of the formerly James L. Gregory property as shown in (deed 1835/995) in Lee County, Mississippi Land Records; run thence North 48 degrees 30 minutes 05 seconds West 59.91 feet to a found iron rod on the North line of Rhudy Public Drive marking the Southeast corner of the W. C. Raper lot for a point of beginning of this tract; run thence North 00 degrees 23 minutes 29 seconds West 150 feet to a found 3/8 inch iron rod marking the Northeast corner of the said Raper lot; run thence South 89 degrees 36 minutes 31 seconds West 100 feet to a found 3/8 inch iron rod marking the Northwest corner of the said Raper lot and the Northeast corner of the Netache Payne lot; run thence South 89 degrees 36 minutes 31 seconds West 100 feet to a found 3/8 inch iron rod marking the Northwest corner of the said Payne lot; run thence South 00 degrees 23 minutes 29 seconds East 150 feet to a found 3/8 inch iron rod on the North line of Rhudy Public Drive marking the Southwest corner of said Payne lot; run thence South 89 degrees 36 minutes 31 seconds West along the North line of Rhudy Public Drive 130.77 feet to a found 3/8 inch iron rod marking the Southeast corner of the Richey Lamon lot; run thence North 00 degrees 23 minutes 29 seconds West 150 feet to a found 3/8 inch iron rod marking the Northeast corner of the said Lamon lot; run thence North 00 degrees 23 minutes 29 seconds West 367.29 feet to a found 3/8 inch iron rod marking the Northeast corner of the James Patterson lot; run thence South 89 degrees 36 minutes 49 seconds East 505.94 feet to a set 3/8 inch iron rod; run thence South 01 degree 30 minutes 16 seconds East 159.23 feet to a found iron rod marking the Northwest corner of the Rita McClellan lot; run thence South 01 degree 30 minutes 16 seconds East 150 feet to a found 3/8 inch iron rod on the North line of said Rhudy

Public Drive marking the Southwest corner of the said McClellan lot; run thence South 89 degrees 35 minutes 00 seconds West along the North line of said Rhudy Public Drive 141.17 feet; run thence South 89 degrees 36 minutes 31 seconds West along the North line of said Rhudy Public Drive 43.74 feet to the point of beginning. Containing 5.33 acres more or less. All lying in the Northeast Quarter of Section 25, Township 11 South, Range 6 East, Town of Newton, Lee County, Mississippi.

Said land is situated and located in the SE-1/4 of the NE-1/4 of Section 21, Township 11 South, Range 5 East, Lee County, Mississippi.

#### LESS AND EXCEPT:

Commencing at a found iron marking the Southwest corner of the Southeast Quarter of Section 25, Township 11 South, Range 6 East, City of Newton, Lee County, Mississippi, and run thence East 2,144.25 feet; run thence North 1,422.35 feet to a found 3/8 inch iron rod marking the Northwest corner of the formerly James L. Gregory property as shown in (deed 1835/995) in Lee County, Mississippi Land Records; run thence North 48 degrees 30 minutes 05 seconds West 59.91 feet to a found iron rod on the North side of Rhudy Drive marking the Southeast corner of the W. C. Raper lot; run thence North 89 degrees 36 minutes 31 seconds East along the North line of Rhudy Public Drive 40 feet to a set 3/8 inch iron rod for a point of beginning of this tract; run thence North 00 degrees 23 minutes 29 seconds West 104 feet to a set 3/8 inch iron rod; run thence North 89 degrees 35 minutes 29 seconds East 142.89 feet to a set 3/8 inch iron rod on the West line of the Rita McClellan lot; run thence South 01 degree 30 minutes 16 seconds East along the said West line of the McClellan lot 104 feet to a found 3/8 inch iron rod on the North line of said Rhudy Public Drive; run thence South 89 degrees 35 minutes 00 seconds West along the North line of said Rhudy Public Drive 141.17 feet to a found 3/8 inch iron rod; run thence South 89 degrees 36 minutes 31 seconds West 3.74 feet to the point of beginning. Containing 0.34 acres more or less. All lying in the Northeast Quarter of Section 25, Township 11 South, Range 6 East, Town of Newton, Lee County, Mississippi.

#### ALSO, LESS AND EXCEPT:

Commencing at a found iron marking the Southwest corner of the Southeast Quarter of Section 25, Township 11 South, Range 6 East, Town of Newton, Lee County, Mississippi, and run thence East 2,144.25 feet; run thence North 1,422.35 feet to a found 3/8 inch iron rod marking the Northwest corner of the formerly James L. Gregory property as shown in (deed 1835/995) in Lee County, Mississippi Land Records; run thence North 48 degrees 30 minutes 05 seconds West 59.91 feet to a found iron rod on the North line of Rhudy Public Drive marking the Southeast corner of the W. C. Raper lot; thence run South 89 degrees 36 minutes 31 seconds West along the North line of said Rhudy Public Drive 200.6 feet to a found 3/8 inch iron rod marking the Southwest corner of the Payne Lot for a point of beginning of this tract; thence run South 89 degrees 36 minutes 31 seconds West along the North line of said Rhudy Public Drive 130.77 feet to a found iron rod marking the Southeast corner of the Richey Lamon Lot; thence run North 00 degrees 23 minutes 29 seconds West 150 feet to a found iron rod marking the Northeast corner of the said Lamon Lot; thence North 89 degrees 36 minutes 31 seconds East 130.77 feet to a found iron rod marking the Northwest corner of the said Payne Lot; thence South 00 degrees 23 minutes 29 seconds East 150 feet to the point of beginning. Containing 0.45 acres, more or less. All lying in the Northeast Quarter of Section 25, Township 11 South, Range 6 East, City of Newton, Lee County, Mississippi.

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### COMMERCIAL REAL ESTATE DEED OF TRUST

This COMMERCIAL REAL ESTATE DEED OF TRUST ("Security Instrument") is made on September 9, 2010 by the grantor(s) DANNY SIMMONS, whose address is 1044 CR 506, SHANNON, Mississippi 38868 ("Grantor"). The trustee is L. SCOTT PICKLE whose address is P.O. BOX 520, Kosciusko, Mississippi 39090 ("Trustee"). The beneficiary is Merchants & Farmers Bank whose address is 901 SOUTH GLOSTER STREET, TUPELO, Mississippi 38801 ("Lender"), which is organized and existing under the laws of the State of Mississippi. Grantor in consideration of loans extended by Lender up to a maximum principal amount of Eighty-seven Thousand Four Hundred Three and 00/100 Dollars (\$87,403.00) ("Maximum Principal Indebtedness"), and for other valuable consideration, the receipt of which is acknowledged, irrevocably grants, conveys, warrants, bargains, sells, transfers, pledges and assigns to Trustee, in trust, with power of sale, the following described property located in the CHANCERY CLERK of LEE COUNTY, State of Mississippi:

Address: 5.33 acres of land at Pleasant Woods Sub., NETTLETON, Mississippi 38858

Legal Description: SEE ATTACHED EXHIBIT "A"

INDEXING INSTRUCTIONS: CONTAINING 5.33 ACRES, MORE OR LESS. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 EAST, TOWN OF NETTLETON, LEE COUNTY, MS.

Together with all easements, appurtenances abutting streets and alleys, improvements, buildings, fixtures, tenements, hereditaments, equipment, rents, income, profits and royalties, personal goods of whatever description and all other rights and privileges including all minerals, oil, gas, water (whether groundwater, subterranean or otherwise), water rights (whether riparian, appropriate or otherwise, and whether or not appurtenant to the above-described real property), wells, well permits, ditches, ditch rights, reservoirs, reservoir rights, reservoir sites, storage rights, dams and water stock that may now, or at any time in the future, be located on and/or used in connection with the above-described real property, payment awards, amounts received from eminent domain, amounts received from any and all insurance payments, and timber which may now or later be located, situated, or affixed on and used in connection therewith (hereinafter called the "Property").

RELATED DOCUMENTS. The words "Related Documents" mean all promissory notes, security agreements, prior mortgages, prior deeds of trust, business loan agreements, construction loan agreements, resolutions, guaranties, environmental agreements, subordination agreements, assignments of leases and rents and any other documents or agreements executed in connection with this Security Instrument whether now or hereafter existing.



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EXHIBIT "A"

Commencing at the Southwest corner of the Northeast Quarter of Section 21, Township 11, South, Range 5 East, Lee County, Mississippi and thence East 950.80 feet to an existing spike in County Road No. 506; thence East 1311.41 feet to an existing spike in said road; thence West 310.00 feet to a nail in said road; thence North 02 degrees 28 minutes 50 seconds West 434.64 feet to an existing 3/8 inch iron rod; thence North 76 degrees 50 minutes 01 seconds East 175.00 feet; thence North 08 degrees 59 minutes 13 seconds West 180.00 feet; thence North 73 degrees 00 minutes 17 seconds East 149.36 feet to a nail in the center of County Road No. 295 for a point of beginning. Thence South 73 degrees 00 minutes 17 seconds West 149.36 feet; thence North 08 degrees 59 minutes 13 seconds West 105.00 feet; thence North 76 degrees 50 minutes 01 seconds East 135.00 feet to a nail in the center of said Road No. 295; thence South 17 degrees 01 minutes 04 seconds East 94.96 feet to the point of beginning. All lying in the Northeast Quarter of Section 21, Township 11 South, Range 5 East, Lee County, Mississippi and containing 0.32 acre more or less.

Subject to County Road right of way.

